UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,431	12/05/2003	Todd D. Wakefield	03760.022/5139 P	8399

7590	06/12/2006

Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, UT 84111

EXAMINER
CAO, PHUONG THAO

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

&

	Application No.	Applicant(s)
Office Action Summary	10/729,431	WAKEFIELD ET AL.
	Examiner	Art Unit	
	Phuong-Thao Cao	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 December 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>10 May 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/8/04 and 1/7/05</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20060531

DETAILED ACTION

1.   This action is in response to Application filed on 12/05/2003.

2.   Claims 1-15 are pending.

Information Disclosure Statement

3.   The Information Disclosure Statements (IDS) filed by Applicant on 03/08/2004 and

01/07/2005 have been received and considered. Copies of the reviewed IDS(s) are enclosed with

this office action.

Double Patenting

4.   A rejection based on double patenting of the "same invention" type finds its support in
the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and
useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same
invention," in this context, means an invention drawn to identical subject matter. See *Miller v.
Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957);
and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

        A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by
canceling or amending the conflicting claims so they are no longer coextensive in scope. The
filing of a terminal disclaimer <u>cannot</u> overcome a double patenting rejection based upon 35
U.S.C. 101.

5.   Claims 1-15 are provisionally rejected under 35 U.S.C. 101 as claiming the same

invention as that of claims 1-4, 6, 8, 10-11, 18-22, 24 and 26 of copending Application No.

10/729,878. This is a <u>provisional</u> double patenting rejection since the conflicting claims have not

in fact been patented.

6.   Claims 1-6 and 8-15 are provisionally rejected under 35 U.S.C. 101 as claiming the same

invention as that of claims 1-4, 6, 8 and 10 of copending Application No. 10/729,862. This is a

<u>provisional</u> double patenting rejection since the conflicting claims have not in fact been patented.

7.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection
is appropriate where the conflicting claims are not identical, but at least one examined
application claim is not patentably distinct from the reference claim(s) because the examined
application claim is either anticipated by, or would have been obvious over, the reference
claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re
Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re
Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).

        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may
be used to overcome an actual or provisional rejection based on a nonstatutory double patenting
ground provided the conflicting application or patent either is shown to be commonly owned
with this application, or claims an invention made as a result of activities undertaken within the
scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR
3.73(b).

8.   Claims 1-6 and 8-15 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-4, 6, 8, 10, 17-20, 22, 24

and 26 of copending Application No. 10/729,347. Although the conflicting claims are not

identical, they are not patentably distinct from each other because claims 1-4, 6, 8, 10, 17-20, 22,

24 and 26 of the copending application teach all the limitations of claims 1-6 and 8-15 of the

instant application wherein the limitation "caseframes" in the copending application is equivalent

to the limitation "criteria" in the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

9.   Claims 1-15 are provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1-4, 6, 8, 10-11, 18-22, 24 and 26 of

copending Application No. 10/729,878. Although the conflicting claims are not identical, they

are not patentably distinct from each other because claims 1-4, 6, 8, 10-11, 18-22, 24 and 26 of

the copending application anticipate all the limitations of claims 1-15 of the instant application

wherein the limitation "caseframes" in the copending application is equivalent to the limitation

"criteria" in the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

10.   Claims 1-6 and 8-15 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-4, 6, 8 and 10 of

copending Application No. 10/729,862. Although the conflicting claims are not identical, they

are not patentably distinct from each other because claims 1-4, 6, 8 and 10 of the copending

application anticipate all the limitations of claims 1-6 and 8-15 of the instant application wherein

the limitation "caseframes" in the copending application is equivalent to the limitation "criteria"

in the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Claim Rejections - 35 USC § 112

11.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming
> the subject matter which the applicant regards as his invention.

12.   Claims 1, 3 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

        Claim 1 recites the limitation "identified attribute extractions" in line 9. There is

insufficient antecedent basis for this limitation in the claim.

        Claim 3 recites the limitation "the assignment" in line 2. There is insufficient antecedent

basis for this limitation in the claim.

        Claim 9 recites the limitation "identified attribute extractions" in line 9. There is

insufficient antecedent basis for this limitation in the claim.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14.   Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaizauskas et al.

("Information Extraction: Beyond Document Retrieval", Computational Linguistics Society of

R.O.C., August 1998).

As to claim 1, Gaizauskas et al. teach:

"A computer program product located to one or more storage media devices usable to produce

structured data from unstructured free text" (see Abstract and [page 17, paragraph 2]), said

computer program product comprising instructions executable by a computer to perform the

functions of:

"accessing a source of unstructured data, the unstructured data including free text" (see

[page 17, paragraph 2] and [page 24, paragraph 2]);

"identifying text records within the free text" (see [page 17, paragraph 2] and [page 44, paragraphs 3 and 4] where the disclosure of applying domain-specific lexically-triggered patterns to identify information for extracting implies identifying corresponding patterns such as phrase or sentence within the text which is equivalent to Applicant's "text records"; also see [page 34, paragraphs 3-6]);

"linguistically parsing the identified text records" (see [page 19, paragraph 1] and [page 44, paragraph 4] wherein a sentence or phrase from the text is equivalent to Applicant's "text records"; also see [page 38, paragraph 2]);

"identifying roles with the parsed records, said identifying producing attribute extractions, each of said attribute extractions containing attribute information of the derived source text" (see [page 21, paragraph 2] and [page 22, paragraphs 2-3]);

"filtering the identified attribute extractions with a criteria" (see [page 22, paragraph 2] wherein script-driven predictions are equivalent to Applicant's "criteria"; also see [page 22, paragraph 3] and [page 23, paragraph 1] wherein caseframes is equivalent to Applicant's "criteria"); and

"producing a structured data elements from the filtered set of extractions" (see Abstract and [page 21, paragraph 1] wherein structured record is equivalent to Applicant's "structured data element").

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Gaizauskas et al. teach:

"identifying domains of filtered set of attribute extractions" (see [page 21, paragraph 2] and [page 22, paragraph 1] wherein the disclosure of using sketchy scripts for sixty situations to extract information from news stories in domains ranging from earthquakes to labour strikes indicates that domains must be identified in order to use specific scripts to extract corresponding information as illustrated in Applicant's claim language; also see [page 24, paragraph 2]).

As to claim 3, this claim is rejected based on arguments given above for rejected claim 2 and is similarly rejected including the following:

Gaizauskas et al. teach:

"the assignment of domain roles" (see [page 22, paragraphs 2-3] wherein using script-driven predictions to identify actors (such as originating customer, originating bank, receiving bank, etc.) is an example of assigning domain roles; or the disclosure of "what was to be extracted were roles in particular historical events, such as..." is another example of assigning domain roles as illustrated in Applicant's claim language).

As to claim 4, this claim is rejected based on arguments given above for rejected claim 3 and is similarly rejected including the following:

Gaizauskas et al. teach:

"producing relation types" (see Abstract and [page 19, paragraph 1] wherein grammatical variation (active/passive) or lexical variation ('named to' vs. 'took the helm') are examples of relation types; also see [page 22, paragraph 3] wherein semantic relations is equivalent to Applicant's "relation types").

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Gaizauskas et al. teach:

"creating a new database containing the structured data element produced in said producing a structured data element" (see Abstract, [page 17, paragraph 2], [page 33, paragraph 3] and [page 48, paragraph 7]).

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Gaizauskas et al. teach:

"producing a file containing the structured data element produced in said producing a structured data element" (see Abstract and Figure 1 wherein template is equivalent to Applicant's "file").

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Gaizauskas et al. teach:

"a processing unit coupled to said one or more storage media devices, said processing unit being capable of executing said instructions"; and

"an execution command unit, whereby operation of said instructions and said processing unit may be commanded or controlled" (see [page 17, paragraph 2], [page 31, paragraph 5] and

[page 53, paragraph 2] wherein the disclosure of Information Extraction system as a computer-operated system read on <u>Applicant</u>'s claim language since every computer includes a processing unit and an execution command unit as illustrated in <u>Applicant</u>'s claim language).

As to claim 8, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

<u>Gaizauskas et al.</u> teach:

"the performing of said producing includes reference information to the original free text for construed data" (see [page 17, paragraph 2] wherein the disclosure of constructing indices into the source texts implies the inclusion of reference information as illustrated in <u>Applicant</u>'s claim language).

As to claim 9, <u>Gaizauskas et al.</u> teach:

"A method for generating structured data from unstructured free text" (see Abstract and [page 17, paragraph 2]), comprising the steps of:

"accessing a source of unstructured data, the unstructured data including free text" (see [page 17, paragraph 2] and [page 24, paragraph 2]);

"identifying text records within the free text" (see [page 17, paragraph 2] and [page 44, paragraphs 3 and 4] where the disclosure of applying domain-specific lexically-triggered patterns to identify information for extracting implies identifying corresponding patterns such as phrase or sentence within the text which is equivalent to <u>Applicant</u>'s "text records"; also see [page 34, paragraphs 3-6]);

"linguistically parsing the identified text records" (see [page 19, paragraph 1] and [page 44, paragraph 4] wherein a sentence or phrase from the text is equivalent to Applicant's "text records"; also see [page 38, paragraph 2]);

"identifying roles with the parsed text records, said identifying producing attribute extractions, each of said attribute extractions containing role information of the derived source text" (see [page 21, paragraph 2] and [page 22, paragraphs 2-3]);

"filtering the identified attribute extractions with a criteria" (see [page 22, paragraph 2] wherein script-driven predictions are equivalent to Applicant's "criteria"; also see [page 22, paragraph 3] and [page 23, paragraph 1] wherein case frames are equivalent to Applicant's "criteria"); and

"producing a structured data elements from the filtered set of attribute extractions" (see Abstract and [page 21, paragraph 1] wherein structured record is equivalent to Applicant's "structured data element").

As to claim 10, this claim is rejected based on arguments given above for rejected claim 9 and is similarly rejected including the following:

Gaizauskas et al. teach:

"identifying domains of filtered set of attribute extractions" (see [page 21, paragraph 2] and [page 22, paragraph 1] wherein the disclosure of using sketchy scripts for sixty situations to extract information from news stories in domains ranging from earthquakes to labour strikes indicates that domains must be identified in order to use specific scripts to extract corresponding information as illustrated in Applicant's claim language; also see [page 24, paragraph 2]).

As to claim 11, this claim is rejected based on arguments given above for rejected claim 10 and is similarly rejected including the following:

Gaizauskas et al. teach:

"assigning domain roles" (see [page 22, paragraphs 2-3] wherein using script-driven predictions to identify actors (such as originating customer, originating bank, receiving bank, etc.) is an example of assigning domain roles; or the disclosure of "what was to be extracted were roles in particular historical events, such as..." is another example of assigning domain roles as illustrated in Applicant's claim language).

As to claim 12, this claim is rejected based on arguments given above for rejected claim 11 and is similarly rejected including the following:

Gaizauskas et al. teach:

"producing relation types" (see Abstract and [page 19, paragraph 1] wherein grammatical variation (active/passive) or lexical variation ('named to' vs. 'took the helm') are examples of relation types; also see [page 22, paragraph 3] wherein semantic relations is equivalent to Applicant's "relation types").

As to claim 13, this claim is rejected based on arguments given above for rejected claim 9 and is similarly rejected including the following:

Gaizauskas et al. teach:

"creating a new database containing the structured data element produced in said

producing" (see Abstract, [page 17, paragraph 2], [page 33, paragraph 3] and [page 48,

paragraph 7]).

As to claim 14, this claim is rejected based on arguments given above for rejected claim 9

and is similarly rejected including the following:

Gaizauskas et al. teach:

"producing a file containing the structured data element produced in said producing a

structured data element" (see Abstract and Figure 1 wherein template is equivalent to

Applicant's "file").

As to claim 15, this claim is rejected based on arguments given above for rejected claim 9

and is similarly rejected including the following:

Gaizauskas et al. teach:

"the performing of said producing includes reference information to the original free text

for construed data" (see [page 17, paragraph 2] wherein the disclosure of constructing indices

into the source texts implies the inclusion of reference information as illustrated in Applicant's

claim language).

15.   The prior art made of record and not relied upon is considered pertinent to Applicant's

disclosure.

Riloff et al. ("An Empirical Approach to Conceptual Case Frame Acquisition", .

Proceedings of the Sixth Workshop on Very Large Corpora: 1998) teach a conceptual natural

language processing systems relying on case frame instantiation to recognize event and role

objects in text.

Riloff ("Automatically Constructing a Dictionary for Information Extraction Tasks",

Proceedings of the Eleventh National Conference on Artificial Intellegence: 1993) teach a

system called AutoSlog that automatically builds a domain-specific dictionary of concepts for

extracting information from text.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

May 31, 2006

Primary Examiner
Art Unit 2167